



Legislation Text

File #: 35268, Version: 1

Fiscal Note

No appropriation is required.

Title

Amending Section 16.23(9)(c) of the Madison General Ordinances to change the security the City may require as a condition of plat approval.

Body

DRAFTER'S ANALYSIS: This amendment to Sec. 16.23(9), MGO, limits the amount, term, and type of security the City can require as a condition of preliminary and final plat approval. The new limitations are necessitated by a 2014 amendment to the Wisconsin statutes.

The Common Council of the City of Madison do hereby ordain as follows:

Subdivision (c) entitled "Contract for Public Improvements for Subdivisions" of Subsection (9) entitled "Required Improvements for Subdivisions" of Section 16.23 entitled "Land Subdivision Regulations" of the Madison General Ordinances is amended to read as follows:

"(c) Contract for Public Improvements for Subdivisions.

1. Form of Contract. As a condition of approval of the subdivision, the subdivider shall be required to enter into a contract to provide certain public and private improvements.
2. Surety. The subdivider shall file with said contract, subject to the approval of the City Attorney, security in the form of a bond, a certificate of insurance, an irrevocable letter of credit, or a certified check, or an official check in the an amount equal to that is not more than one hundred twenty percent (120%) of the estimated total of the cost of the public improvements prepared by the City Engineer as suretysecurity to guarantee that the improvements will be completed by the subdivider or her/his contractors as provided by the contract for subdivision improvements. If the improvements will be installed in phases, the amount of the suretysecurity shall be limited to the phase being constructed.
3. Construction Phases and Time of Completion. All subdivision improvements shall be completed within eighteen (18) months from the date of recording of the subdivision, unless otherwise approved by the City Engineer or the Board of Public Works and the Common Council after submission by the subdivider of the necessary written amendment to extend the security. However, the subdivider and the City may agree that the subdivider may install the improvements in construction phases, provided that: the phases are specified in the contract for subdivision improvement; the developer records deed restrictions approved by the City Attorney which specify that the lots which are included in future construction phases of the subdivision will not be transferred or sold unless the City's approval is obtained; the subdivider minimizes grading and other disturbance of land included in future construction phases in order to prevent erosion, the erosion control plan submitted and approved addresses the individual phases of construction; and, the construction phases proposed by the subdivider reflect the needs of the City and adjacent property owners for street and other improvements to serve lands adjacent to and within the subdivision.
4. Guarantee of Work. Upon completion of the construction of major components of the work, i.e., public water distribution system, public sewerage system, public drainage system, public streets and walkways, street lighting, intersection area improvements, traffic signals, park improvements or buffer and planting strips, the subdivider shall request an inspection by the City Engineer. Upon acceptance by the City Engineer, submittal of the lien waivers, and affidavits regarding payment and compliance with the prevailing wage rate from all contractors,

and detailed and itemized breakdown of the work to be accepted, each major component of the work shall be submitted to the Board of Public Works and Common Council for acceptance. Upon ~~acceptance~~ substantial completion, as defined below, the City Engineer is authorized to accept a reduction in the ~~surety~~security to an amount equal to the estimate of the City Engineer of the cost of work remaining to be completed ~~and accepted~~, plus ten percent (10%) of the total cost of the public improvements and an amount to insure performance of any one-year guarantee against defects in workmanship and materials of the work component accepted. When work on major components of construction has been substantially completed except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the City Engineer are valid for noncompletion, the City Engineer is authorized to accept the reduction in the amount of ~~surety~~security sufficient to cover the work remaining to be completed ~~including the plus ten percent (10%) of the total cost of the public improvements to insure performance of a one-year guarantee period against defects in workmanship and materials.~~ Prior to authorizing said reduction, the City Engineer may require the subdivider to submit a lien waiver from her or his contractors. Public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated, or, if the required public improvements do not include a road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The City Engineer may require additional deposits or subsequent contracts and security for components of the work that are not constructed at the time of substantial completion.

5. Contractor Qualifications. The contractor(s) employed by the subdivider to construct the public improvements shall be prequalified by the Board of Public Works for the appropriate category of work. The contractor(s) shall maintain insurance as required by the City of Madison Standard Specifications for Public Works Construction.

The contractor(s) shall comply with Wis. Stat. § 66.0903 which provides for the payment of the prevailing wage rates to the contractor's employees.
6. Construction by the City. In those cases where the Common Council determines that it is in the interest of the City to install all or part of the improvements and special assess the cost of the work, the subdivider, and her/his heirs and assigns, waive notice and hearing to the assessment for public improvements in accordance with Section 66.0703(7)(b), Wisconsin Statutes, in a recordable document.
7. Exceptions for Governmental Units. Governmental units sponsoring a subdivision shall enter into a Contract for Public Improvements for Subdivisions but may file, in lieu of the required surety, a letter from the officers authorized to act in its behalf, agreeing to comply with the provisions of the contract, and a copy of the contractor's performance bond."